FOR MYSORE STATE

H.E.L.A. (195 4) Department.

Rt. SERIES.

G.O. NO. 199, Health.

Dated the 29th April 1954.

Closed
cs
Supdt

[Despatch Abstract.]

WATER SUPPLY - Land Acquisition - (South Kanara) - Coondapur Taluk - Coondapur Panchayat - S.No. 240/8 53, (Part) - well site - Notification under section 4(1) of Land Acquisition Act - Publication - Ordered.

Ref.B1. 28583/53.

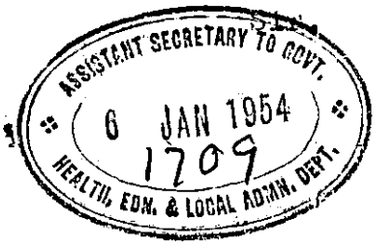
S.Kanara Collector's office,
Mangalore dated 30.12.53.

From

Sri A.Mahalingam Chettiar, I.A.S.,
Collector of South Kanara,
Mangalore.

To

The Secretary to the Government,
Local Administration Department,
Fort St.George, Madras.9
(In duplicate).



SUB:LAND ACQUISITION(South Kanara)Coondapur Taluk S.No.240/8B-(Part) of Coondapur Casba village. Sinking of a public well- Coondapur Panchayat Board. proposals under Section. 4(i) of the L.A.Act. submitted-

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Ref

The Coondapur Panchayat Board is the Acquiring Body in this case. It has applied for the acquisition of a portion of S.No. 2408B of Coondapur Casba village for the purpose of sinking a public well agreeably to its resolution No.27/6.5.53, a copy of which is enclosed. In his endorsement N.Dis.196/52,dated 25.1.53, the Dt. Health officer, S.Kanara has approved the site from Sanitary point of view. A copy of the Dt.Health Officer's report is also enclosed. The Panchayat Board is in its subsequent resolution No.175 dated 26.9.53, has agreed to abide by all the conditions of acquisition and also the conditions of alienation after acquisition. The necessary funds have also been sanctioned. A copy of the resolution of the Panchayat Board is enclosed.

2. The Land Acquisition Officer after enquiry, reports, that the interested persons to the plot have no objection to the acquisition. The plot sought to be acquired is arable and does not contain any buildings, tombs, grave yards, religious edifices and topes etc. The sinking of a well, is for a public purpose and I consider it necessary to acquire the land under the provisions of the L.A.Act. A draft notification under Section 4(i) of the L.A.Act. should submitted herewith in duplicate may be approved and ordered to be published in the Fort St.George Gazette.

Yours faithfully,

For Collector.

Copy to the R.D.O.Coondapur.
mv 2.1.

3

Form of Notification to be issued under Section 4 of the Land. Acquisition Act I of 1894, as amended by Act XXXVIII of 1923.

Whereas it appears to the Government of Madras that the land specified in the schedule below and situated in the Coondapur Casba ~~be~~ village of Coondapur Taluk, South Kanara District is needed for a public purpose, to wit, for sinking of a well notice to that effect is hereby given to all whom it may concern in accordance with the provisions of section 4(1) of the Land Acquisition Act I of 1894 as amended by the Land Acquisition Amendment Act XXXVIII of 1923 and the Governor of Madras hereby authorizes the Revenue Divisional Officer his staff and workmen to exercise the powers conferred by section 4(2) of the Act. Under section 3(c) of the same Act, the Governor of Madras appoints the Revenue Divisional Officer Coondapur to perform the functions of ~~th~~ a Collector under section 5-A of the Act.

~~Hnderxsectionxxtxofxsectionx~~

District	South Kanara.
Taluk	Coondapur.
Village.	No.52. Coondapur Casba village.

Description of land : S.No. 240/8B(Part) Ryotwari Garden. 0.02 acre.

Name of owner of occupier. Sri Shoshagiri Sheregara Mulidar.
2. Marlu Poojary, Mulgenidar.
3. Kutti Ali Saheb, Volamulgenidar.

S.Kanara Collector's office)
Mangalore dated 31.12.1953)
mv 2.1.

~~[illegible]~~ For Collector.

1

Extract from the proceedings of the meeting of the members of the Coondapur Panchayat held on 26.9.1953.

PRESENT.

Sri N.S.Parameshwarayya	Vice President.
Sri T.Soans.	Member.
Sri K.Ganapath Shet.	do.
Sri S.P.Tholar.	do.
Sri H.Manja Poojari.	do.
Sri Topi Manjunathayya.	do
Sri K.Kama.	do
Sri V.Rama.	do.
Sri K.Nagappa.	do.

175.Panchayat Board Resolution Number 27 dated 6.9.53 resolving to acquire 0.2 cents of land in S.Number 240/8B of Coondapur Casba village for sinking a public well.

Also end L.Dis. 20534/53.dated 29.8.1953 and N.Dis. 9053/53.dated 3.9.1953 from the Collector of South Kanara and the Revenue Divisional Officer,Coondapur that the resolution of the Panchayat abiding by the conditions of acquisition specified therein may be sent.

N.Dis.No.196/52.
Resubmi

N.Dis.No.196/52.
Retransmitted to the Executive officer,Panchayat Board, Coondapur.
2/-The site proposed for the sinking of the public well is approved by me from public health point of view in the circumstances reported by the Sanitary Inspector in his reported dated 11.1.52.

Dated.25.1.52. Sd/Dt.Health officer,S.K.

/True copy/

S.Kanara Collector's office) For Collector.
Mangalore dated 31.12.1953)

Extract from the proceedings of the meeting of the members of the Coondapur Panchayat Board.

held on 6.5.53.

Resolution No.& Date. 27/6.5.53.
Agenda.

PRESENT:
1.Sri H.M.Fernandes, Vice President.
2.Sri K.Krishtrya Shanbogue Member.
3. Sri H.Manja Pooja i.
4. Sri K.Shivaramayya.
5. Sri Jgnacioru Meneses.
6. Sri S.Ganappaya Nayak.
7.Sri T.Soans.

Office note requesting that a portion of R.S.No.240.8B of Coondapur Casba village measuring 02- 0.2 cents may be acquired for sinking a well at Kodi.

Resolved to acquire 0.2 cents of land in S.No. 240/8B and sanctioned funds for the compensation to be fixed by the Acquisition officer and the land will be used for the public well purpose only and this Panchayat will abide by all the conditions of the acquisition.

/True copy/

S.Kanara Collector's office) For Collector.
Mangalore dated 31.12.1953)
mv 2.1.

3. In the event of resumption of the land under condition (2), the compensation payable for the buildings and other improvements shall be the amount paid for them by the ~~allottee~~ grantee at the time of the acquisition including the 15% solatium or their value at the time of resumption by the Govt. together with 15% thereof, whichever may be less, together with the initial cost or the value at the time of resumption, whichever may be less, of any buildings erected & other improvements effected on the land by the ~~allottee~~ grantee in accordance with the terms of the grant, plus 15% of such cost or value.

This Panchayat will abide by the conditions specified below. Funds sanctioned to be met from the allotment made for sinking a well at Kodi.

CONDITIONS ~~OF ALIENATION~~ for placing the land at the disposal of the Panchayat

In the case of lands acquired at the cost of private institutions or associations under the provisions of the land Acquisition Act for educational or other public purposes and alienated~~a~~- to the institutions or associations, the following conditions should be imposed in the place of conditions (1 to 7) in the previous sub paragraph.

1. The land shall be used for ~~which it is required~~ and for no other purpose.

2. The Government may resume the land wholly or in part, with any buildings thereon, if, in their opinion, the land is required for a public purpose or for conducting mining operations. In the event of such resumption, the compensation payable for the land and trees shall be the amount paid for them by the ~~alienee~~ grantee at the time of acquisition including the 15 percent solatium, or the value at the time of resumption together with 15 percent thereof, whichever may be less, ~~or any buildings erected and other improvements effected on the land by the alienee in accordance with terms of the alienation plus 15 percent of such cost of value.~~ (vide slip attached)

3.

4. In the event of the infringement of any conditions of the ~~alienation~~, or in the event of ~~the~~ voluntary relinquishment, of the land by the ~~alienee~~ grantee, the Government may resume the land if it is required for a public purpose or if the Government consider that it should be returned to the original owner. If the Government decide not to exercise this power and inform the ~~alienee~~ grantee accordingly, the latter may dispose of the land in any manner he likes subject to his repaying to the Government the amount of any grant made by them towards the cost of the lands and of the buildings or other improvements. In the event of the~~ir~~ resumption of the land under this condition, the compensation payable to the ~~alienee~~ grantee shall be the value of the land at the time of acquisition (less the 15% awarded for compulsory acquisition) or its value at the time of resumption, ~~the alienee shall remove them at his cost. In the event of the grantee refusing~~ the building the Government may ~~them~~ remove them and realise the cost of the removal by the sale of the materials.

5. The amount of any grant made by the Government towards the cost of the land and of the buildings or other improvements shall be deducted from the compensation payable under conditions (2), (3) and (4).

CONDITIONS OF ACQUISITION.

The Board is agreeable to the followingeconditions of acquisition.

The sanction the cost of acquisition

To pay enhanced compensation and interest thereon if any, that might be awarded by the court, should be case be referred to it.

3. To use the land for the purpose for which it is acquired and for no other purpo.e without the sanction of the Government

4. To use the land for that purpose within a period of 2 years from the date of handing over the land

5. To restore the land to the Government if they so direct on payment of compensation awarded less 15% awarded for compulsory acquisition or of the value of the land at the time of restoration which ever may be less, in the event of the local body not carrying out the purpose for which the land is acquired, within the specified period of using the land without the sanction of the Government at any time for any purpose other than that for which it is acquired.

/True copy/

for Collector

4

Dp(C) 24/2/54

Memo No 1709-W2 154: 2 Hqrs dt 2/2/54

Sub:- W-3 - Land Requisition (South Kanara) Coondapur Taluk - Coondapur Panchayat Sy No 210/8B(Part) well site - Notification under Section 4(1) of the Land Requisition Act -x-x-

Ref:- Letter Collr of South Kanara, Rc/B1.285&3/53 dt 30.12.53

-x-x-

The draft conditions for allotment of land at the disposal of the panchayat, submitted by the Collr of South Kanara with his letter cited have been revised suitably. A copy of the conditions as revised is forwarded herewith. He is requested to communicate the revised conditions of allotment to the Coondapur panchayat and obtain its acceptance/ and submit it to this Govt.

Sd/ 4/2/54

Sd/ 4/2/54

2/54

To

The Collr of South Kanara.

(with enclosure of GP No 11 of 1954 as amended)

(one Rc. for file with copy of conditions)

15

HEALTH, EDUCATION & LOCAL ADMINISTRATION DEPARTMENT.

...

Memorandum No.1709-H VI/54-2 Health dated the 2nd February 1954.

Sub:-Water supply - Land Acquisition (South Kanara) Coondapur Taluk - Coondapur Panchayat - S.No.240/8B (Part) well site - Notification under section 4(1) of the Land Acquisition Act.

Ref:-From the Collector of South Kanara, Ref.B.1. 28583/53 dated 30-12-53.

...

The draft conditions for placing the land at the disposal of the panchayat, submitted by the Collector of South Kanara with his letter cited, have been revised suitably. A copy of the conditions as revised is forwarded herewith to him. He is requested to communicate the revised conditions to the Coondapur Panchayat obtain its acceptance of those conditions and submit it to the Government.

K.SOMASUNDARAM CHETTIAR,
Assistant Secretary to Government.

To
The Collector of South Kanara (with enclosures)

Forwarded/By Order.

Superintendent.

RJ/5.2.

Conditions for placing the land at the disposal of the Panchayat Board.

1. The land shall be used for and for no other purpose.

2. The Government may resume the land wholly or in part with any buildings thereon, if, in their opinion, the land is required for a public purpose of for conducting mining operations. In the event of such resumption, the compensation payable for the land and trees shall be: the amount paid for them by the granteeat the time of acquisition including the 15 percent solatium, or the value at the time of resumption together with 15 percent thereof, whichever may be less. If there are buildings on the land the Government shall pay compensation for them in accordance with the provisions of condition (3).

3. In the event of resumption of the land under condition (2), the compensation payable for the buildings and other improvements shall be amount paid for them by the grantee at the time of the acquisition including the 15% solatium or their value at the time of resumption by the Government together with 15% thereof, whichever may be less, together with the initial cost or the value at the time of resumption, whichever may be less, of any buildings erected and other improvements effected on the land by the grantee in accordance with the terms of the grant, plus 15% of such cost or value.

4. In the event of the infringement of any conditions of the grant or in the event of the voluntary relinquishment, of the land by the grantee the Government may resume the land if it is required for a public purpose or if the Government consider that it should br returned to the original owner. If the Government decide not to exercise this power and inform the grantee accordingly, the latter may dispose of the land in any manner he likes subject to his repaying to the Government the amount of any grant made by them towards the cost of the lands and of the buildings or other improvements. In the event of the resumption of the land under this condition, the compensation payable to the grantee shall be the value of the land at the time of acquisition (less the 15% awarded for compulsory acquisition) or its value at the time of resumption whichever may be less, together with the value of buildings and other improvements, at the time of resumption. If there are buildings on the land, which the Government do not require, the grantee shall remove them at his cost. In the e vent of the grantee referring to remove the buildings the G overnment may remove them and realise the cost of the removal by the sale of the materials.

5. The amount of any grant made by the Government towards the cost of the land and of the buildings or other improvements shall be deducted from the compensation payable under conditions (2), (3) and (4).

CONDITIONS OF ACQUISITION.

The Board is agreeable to the following-conditions of acquisition.

The sanction the cost of acquisition
XXXX To pay enhanced compensation and interest thereon if any, that might be awarded by the court, should be case be referred to it.

3. To use the land for the purpose for which it is acquired and for no other purpose without the sanction of the Government
4. To use the land for that purpose within a period of 2 years

19

from the date of handing over the land
5. To restore the land to the Government if they so direct on payment of compensation awarded less 15% awarded for compulsory acquisition or of the value of the land at the time of restoration which ever may be less, in the event of the local body not carrying out the purpose for which the land is acquired, within the specified period of using the land without the sanction of the Government at any time for any purpose other than that for which it is acquired.

/True Copy/

Superintendent.

RJ/5.2.

O.F. 98—20,780—59,000—28-8-53

COLLECTOR
SOUTH KANARA
MAR 1954

DEPARTMENT.

REMINDER. MAR 1954 Branch.

To THE Collector of South Kanara

COLLECTORATE LOCAL ADMN. DEPT.
MAR 1954

~~May the honour to~~ I am directed to invite attention to

invite

Memo No 17169 KVI/54 dated 2-3-54 and

No. _____, dated _____ and

to request that the reply to it may be expedited

request that this reminder may be returned at once

with information as to—

(1) the stage at which the matter now is,

(2) the date by which a reply may be expected, and

(3) the circumstances which have caused the delay

Office Secretariat

Station Madras

Dated 4/3/54

Signature.

Designation. Asst Secy to Govt

SUBJECT.

WS. Land Acquisition (South Kanara) Cuddapan Taluk Cuddapan Pt. S. No 240/8B (Plot) (P.T.O.) West Side - Notification under Section 4 W of the Land Acquisition Act

Ref: B1- 28583-53.

L2

G.F. 88

A6

REPLY.

To The Secretary to the Government
Health, Education & Local Admn
Department, Fort St. George.
Madras 9

25897

Sir,

The revised draft Conditions of alienation have been forwarded to the R.D.O. Coonoor. to obtain the approval of the Panchayat Board Concerned. I have already reminded the Revenue Divisional officer and I shall submit the revised Conditions of alienation by 30-3-54.

I have the honour to be,
Sir,
Your most obedient servant,
for Collector

8/3/54

8/3/54

please submit report of the
Collr. of South Kanara on p22 ante-
the matter received if necessary

5/11/69

SMS
13/3/69

15/3/69

H2L2:A dept

H2L2

No. 1709-H2L2/54-3 Howrah

dt. 6/4/54

Sub:- W.B. Land Requisition (South Howrah) Co-ordination Taluk - Co-ordination Panchayat - S.No. 240/88 (part) - well site - Notification under section 4 (1) of the Land Requisition Act

Ref:- From the Collr of South Howrah, letter B-1-2-8589/53 dt. 10-3-54

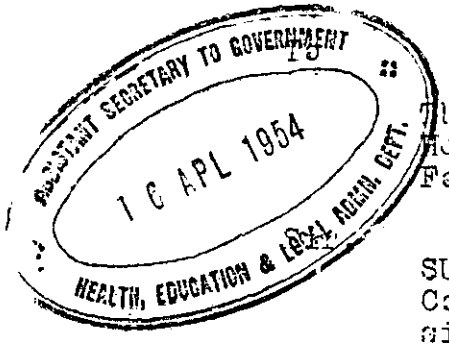
The attention of the Collr of South Howrah is invited to his letter cited and his request that the site whether it is acceptable by the Co-ordination Panchayat of the revised draft Co-ordination Panchayat Taluk, may be examined, and if so, to submit proposals to forward it without further delay.

To
The Collr of South Howrah

Ref.M1. 28583/53. H6 S.Kanara Collector's office, Mangalore dated 12.4.1954

From

Sri A.Mahalingam Chettiar, I.A.S.,
Collector of South Kanara.



The Secretary to the Government,
Health, Education and L.A.D.
Fort St.George, Madras.9.

SUB: LAND ACQUISITION(South Kanara)Coondapur Taluk-Coondapur Panchayat-S.No.240/8B(part) ater supply well site-Notification under Sec.4(i) of the L.A.Act.draft revised conditions of alienation-submitted after approval-

39330 Ref:Govt.memc.No.1709/Vi/54.2 Health dated 2.2.1954.

The draft revised conditions of alien tion duly accepted by the Panchayat Board Coondapur is enclosed as directed in the Government cited.

Yours faithfully,

For Collector.

SH 19/4/54 mv. 13.4

Extract from the proceedings of the meeting of the members of the Coondapoor Panchayat held on 23.3.1954.

The number of members present were ten including the President.

Resolution Number 354.

Ref:C.No.10515/53 dated 16.3.54 from the Revenue Divisional Officer, Coondapoor, requesting to send the resolution of the Panchayat agreeing to abide by the conditions of placing the land-S.No.240/8.B(part)- at the disposal of the Panchayat for sinking a well prescribed in his above letter.

xxxxxxxxx xxxxxxxxxxxxxxx xxxxxxxxxxxx

The Panchayat will abide by the conditions specified below.

1. The land shall be used for public well and for no other purpose.

2. The Government may resume the land wholly or in part, with any buildings thereon, if, in their opinion the land is required for a public purpose or for conducting mining operations. In the event of any such resumption, the compensation payable for the land and trees shall be the amount paid for them by the grantee at the time of acquisition including the 15 % solatium, or the value at the time of resumption together withe 15 % thereof, which ever is less. If there are buildings on the land the Government shall pay compensation for them in accordance with provisions of condition (3).

3. In the event of resumption of the land under condition (2), the compensation payable for the building and other improvements shall be the amount paid for them by the grantee at the time of the acquisition including the 15 % solatuium or their value at the time or resumption by the Government together withe-15% thereof, whichever is less together with the initial cost or the value at the time of resumption which-ever may be less, of buildings erected and other improvements effected on the land by the grantee, in accordance with the terms of the grant, plus 15% of such cost value.

4. In the event of the infringement of any conditions of the grant or in the event of voluntary relinquishment of the land by the grantee, the Government may resume the land if it is required for a public purpose or the Government consider that it should be returned to the original owner. If the Government decide not to exercise this power and inform the grantee accordingly, the latter may dispose of the land in any manner he likes subject to his repaying to the Government the amount of any grant made to them towards the cost of the lands and of the buildings or any other improvements. In the event of the resumption of the land under this condition, the compensation payable to the grantee shall be the value of the land at the time of acquisition (less the 15% awarded for compulsary acquisition) or its value at the time of resumption which-ever may be less together with the value of buildings and other improvements at the time of resumption. If there are buildings on the land which the Government do not require the grantee shall remove them at his cost. In the event of the grantee refusing ~~to remove~~ to remove the buildings the Government may remove them and realise the cost of the removal by the sale of materials.

5. The amount of any grant made by the Government towards the cost of land and of ~~the~~ the buildings or other improvements shall be deducted from compensation payable under conditions (2) (3) and (4).

/ TRUE COPY /

EXECUTIVE OFFICER,
COONDAPOOR PANCHAYAT.
SOUTH KANARA.

H.E.& L.A. Dept
H-VI

C.No 1709/54/H-VI

Cir(Rt) No 199 Hosdt dt 29/1/55

Sub:- Land Requisition — Water-Supply — Coondapur (South Kanara) Coondapur Taluk — Coondapur Panchayat — S. No 2140/8B-(Part) — Well-site — Acquisition of land for public purpose — Under Land Acquisition Act — Publication — Ordered

Ref. B1: 28563/53, dt 30-12-53

The draft notification issued under Section 4(1) of the Land Requisition Act, 1894 for the acquisition of South Kanara with his letter dated, is approved, and is forwarded to the Controller of Stationary and Printing for immediate action in the next issue of Fort St. George Gazette.

4/5/54

To Thiru Controller of Stationary & Printing (with P.S. for publication in the PSG&) 3 KB 4/5/54

The Collector, South Kanara, Mangalore 7/5/54

Copy to the R.D.O., Coondapur (S. Kanara dt.)

Copy to the E.O., Coondapur Pt., S. Kanara dt.

2/ —

Ca No.

Please see the letter of the Collector of South Kanara [illegible] which explains the case. The dispute [illegible] for approval. Rev Dept should [illegible] are involved [illegible] clause is not [illegible] in the case [illegible]

5RB
7/11/54

Noted. On a further consideration, it is noted that Rev. Dept. should see the case, as the acquisition is on behalf of a local body (a panchayat) and as the land, after acquisition, will be alienated to it

It is also reported that the land is arable and it is presumed that no objection need be raised on this account

9/11/54

Rev

9/11/54

SO OB

Rev Dept H.E.L.A. 17.9.146

The draft notification [illegible] and the notes of H.E.L.A. may be perused. The position as stated at A above is correct. It is need not have been sent to Rev. Dept. [illegible]

~~The file may be returned to H.E.L.A~~

May be perused & returned to H.E.L.A

13/11/54

A.E.I / H.E.L.A

UNDER SECRETARY TO GOVT. 2744 1st JAN 1955

Thro A (to check [illegible])

13/11/54 AE-I

Has A Sec really checked the conditions of alienation on p 11 cf.
If so there is conflict b/w the conditions?

Q
19/1/54

60 66 A/54

~~To H/Inspector for his views in the~~
~~matter. Submitted accordingly.~~

v/p 11 cf

~~Q~~ conditions of grant have since been thoroughly scrutinised and necessary corrections made. Condition (3) which was previously omitted has been inserted. Wherever the words "alienation" or "alienee" occur they have been modified as per instructions issued in GO. Rt. No. 1314 Rev. d. 6-5-1953.

3. The draft conditions for placing the land at the disposal of the Panchayat Board, as corrected may be accepted by this deptt. The file may be returned to HELA (The omission is regretted.)

Mlle
20-1-54
Q
21.1.54.

Are the draft conditions the same as those laid down in GOs!?

Q
21/1/54

1/13/1

To H.I.

E.L.A

Submitted yes.

Mlle
25/1/54.
Q
25.1.54.

Q
25/1/54

HELA

Rev GO. 2674 C/54
25-1-54.

HELA (HJD)

Please see the note of Rev. above.

SH
27/1/54

The Board has corrected the draft conditions submitted by the Collector vide his Memo with his letter on p 1 c/f, which should be communicated to the Collr. for information and further necessary

(P.T.O)

ASSISTANT SECRETARY TO GOVT.
27 JAN 1954
8170
REVENUE & LOCAL ADMN. DEPT.

necessary action. A draft order is also furnished below for approval

SHB
29/11/54

It is a point for consideration whether before ordering the publication of the 4(1) notifications, the Collr. should not be asked to communicate to the panchayat the conditions of alienation as revised by Rev., and obtain its concurrence.

For orders.

Draft memo to Collr. 1/12/54.

A draft memo is submitted below for approval

SHB
1/12/54

[Govt memo No 1709-HVI/54-2, Health dt 2.2.54 to the Collr of South Kanara Ref. B1.2.8583/53 dt 12.4.54]

Please see the memo on p 13 of the Collr's Minutes of the collection of South Kanara for 1953-54. In the PT-lists furnished with the revised conditions for the enjoyment of the land at the disposal of the PT, the draft orders on the plants may now be issued, after perusal by Revenue

SHB
20/4/54

2 APL(E) 29760

HEALTH No 1709-HVI/54-4
21/4/54

116 New scheme

To Mr. [illegible]

The ~~Draft~~ notes of H.E.L.A. on p. 4 ante, and the draft order at p. 1 ante may be perused and the file returned to H.E.L.A.

~~A.S.T.~~ H.E.L.A.

Mrs A [illegible]

Rec'd U.O. 29760 ~~Copy~~

ASSISTANT SECRETARY TO [illegible] 28 APR 1954 HEALTH, EDN. & LOCAL ADMIN. DEPT.

43526